

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

JEFFREY CANALES, #77871

Plaintiff,

v.

OFFICER FNU WARREN, et al.,

Defendants.

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Case No. 6:23-cv-456-JDK-JDL

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Jeffrey Canales, a Gregg County Jail inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

Because Plaintiff's claims arose from an allegedly invalid arrest and prosecution, this case was temporarily stayed until the conclusion of that prosecution. Docket No. 16. On January 25, 2024, the Court granted Plaintiff's motion to reopen the case upon the conclusion of his state criminal proceedings. Docket Nos. 18, 19. On that same day, the Magistrate Judge issued a Report recommending that Plaintiff's claims against his wife, Rhonda Cody, be dismissed with prejudice for failure to state a claim for which relief can be granted, and that the rest of the case be dismissed without prejudice for failure to state a claim pursuant to the bar of *Heck v. Humphrey*, 512 U.S. 477 (1994). Docket No. 20. The Plaintiff has filed a written objection to the Report. Docket No. 22.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).


The Magistrate Judge recommended dismissal largely because Plaintiff’s complaint challenges a standing criminal conviction and is therefore barred from federal review in a civil rights action pursuant to *Heck v. Humphrey*, 512 U.S. 477 (1994). Plaintiff’s submission does not identify any error in the Magistrate Judge’s analysis or conclusions. Instead, it confirms that Plaintiff’s claims are constitutional challenges to his conviction, including prosecutorial misconduct, ineffective assistance of counsel, and the use of false and unreliable evidence to obtain an involuntary plea. Docket No. 22. As the Magistrate Judge correctly explained, Plaintiff cannot seek damages for those alleged violations in a civil action as long as his conviction stands. Docket No. 20 at 4. And nothing in Plaintiff’s objection refutes the Magistrate Judge’s finding that Plaintiff’s wife is not a state actor subject to suit under § 1983. *See id.* at 5.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly,

the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 20) as the opinion of the District Court. Plaintiff's claims against Rhonda Cody are **DISMISSED** with prejudice for failure to state a claim, and the remainder of this case is **DISMISSED** without prejudice pursuant to *Heck*. 28 U.S.C. §§ 1915A(b)(1) and 1915(e)(2)(B).

**Signed this**

**Feb 14, 2024**

  
JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE